

Revision Checklist 166 Summary

Rule Title: Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards
Checklist Title: Recycled Used Oil Management Standards; Technical Correction and Clarification
Reference: 63 FR 24963-24969; 63 FR 37780-37782
Promulgation Date: May 6, 1998; July 14, 1998
Effective Date: July 6, 1998; July 14, 1998
Cluster: RCRA Cluster VIII
Provision Type: Non-HSWA
Linkage: Revision Checklists 112, 122, 130
Optional: Yes

Summary: This rule clarifies: 1) when used oil contaminated with PCBs is regulated under the used oil management standards and when it is not, 2) that the requirements applicable to releases of used oil apply in States that are not authorized for the RCRA base program, 3) that mixtures of Conditionally Exempt Small Quantity Generator (CESQG) wastes and used oil are subject to the used oil management standards irrespective of how that mixture is to be recycled, and 4) that the initial marketer of used oil that meets the used oil fuel specification needs to keep a record of the shipment of used oil to the facility to which the initial marketer delivers the used oil, but does not need to keep records on the subsequent transfers of that used oil. This rule also amends incorrect references to the pre-1992 used oil specifications in the provisions which address hazardous waste fuel produced from, or reclaimed from, oil bearing hazardous wastes from petroleum refining operations. The July 14, 1998 technical correction removes three amendments made by the May 6, 1998 rule.

State Authorization: This rule is placed in RCRA Cluster VIII. EPA considers this rule to be optional because it only corrects and clarifies existing requirements. States, therefore, are not required to modify their programs to adopt this rule. However, EPA strongly encourages States to adopt it. For States that choose to adopt the checklist, the State modification deadline is July 1, 1999 (or July 1, 2000 if a State statutory change is necessary). These changes do not go into effect until States become authorized for them because this rule was promulgated under pre-HSWA authorities. Only final authorization is available.

Given the minor scope of the amendments, States already authorized for the used oil regulations may submit an abbreviated authorization revision application. The abbreviated application consists of: 1) a letter from the State to the appropriate Regional office, certifying that it has adopted provisions equivalent to and no less stringent than this final rule, and 2) the State's regulations or other authority implementing these amendments.

Attorney General's Statement Entry: The entry at Subsection XX (E) in the Model Revision Attorney General's Statement should be replaced with the following revised entry:

Revision Checklist 166 Summary (cont'd)

E. State statutes and regulations provide used oil management standards for used oil generators, transporters, processors, re-refiners, burners, and marketers as indicated in Revision Checklists 112, 122, 130, and 166.

Federal Authority: RCRA §§1004, 1006, 2002, 3001-3007, 3010, 3014 and 7004; 40 CFR Parts 260, 261, 266 and 279 as amended September 10, 1992 (57 FR 41566), May 3, 1993 (58 FR 26420), June 17, 1993 (58 FR 33341), March 4, 1994 (59 FR 10550), May 6, 1998 (63 FR 24963), and July 14, 1998 (63 FR 37780).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Incorporation by Reference Guidance: States should be aware that Revision Checklist 166 includes two final rules published on May 6, 1988 (63 FR 24963; StATS Rule Code 166) and July 14, 1998 (63 FR 37780; StATS Rule Code 166.1). The 1998 CFR contains changes addressed by the May 6, 1998 final rule, but does not include changes addressed by the July 14, 1998 final rule. The July 14, 1998 technical correction removes three amendments made by the May 6, 1998 rule. Therefore, States that adopt the July 1, 1998 CFR by reference and are also adopting Revision Checklist 166 as part of RCRA Cluster VIII should include the July 14, 1998 final rule as published in the Federal Register in their adoption by reference. Otherwise, States that adopt only the July 1, 1998 CFR will have a partial adoption of Revision Checklist 166. Section XIII (Adoption of Specific CFR Parts), shows the specific citations which were amended by the July 14, 1998 final rule.